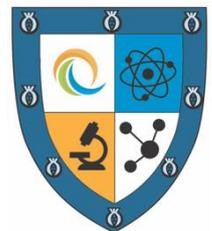




**DISCLOSURE POLICY  
FOR SCHOOLS WITHIN QUEST**

**St. Peter's C. of E. Primary School, Hindley  
Hindley Green Community Primary School  
St. John's C. of E. Primary School, Hindley Green  
St. John's C. of E. Primary School, Abram  
University Collegiate School, Bolton**



September 2021

Review date September 2023

## QUEST Disclosure Policy

**QUEST** is committed to creating a culture of safe recruitment and adopts recruitment procedures that help deter, reject or identify people who might abuse children.

### 1. **The Requirement for Criminal Record Checks by the Academy Trust**

1.1 It is of fundamental importance to the Academy Trust to ensure so far as possible that those who take up appointments do not pose a risk to the children in its care. It is therefore important for the Academy Trust to apply for and review the past criminal records of any successful applicants for positions. Any formal offer of appointment will be conditional upon satisfactory completion of pre-employment checks including satisfactory Disclosure from the DBS with barred list information and prohibiting checks, together with references and interview information. The Academy Trust also considers it essential that the confidential and personal Disclosure information from the DBS is used fairly and sensibly in order to avoid unfair discrimination of applicants for appointments in the Academy Trust.

1.2 Disclosure information is:-

- Contained in criminal record certificates under Section 113 of the Police Act 1997 (the Act) and are referred to by the DBS as “Standard Disclosures”; or
- Contained in enhanced criminal record certificates under Section 115 of the Act and are referred to by the DBS as “Enhanced Disclosures”;
- Provided by the police under Section 115(8) of the Act.

### 2. **Types of Disclosure**

2.1 There are three types of Disclosure that may be applied for depending on the nature of the position and whether the work is regulated activity.

- (a) Standard: a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- (b) Enhanced: a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- (c) Enhanced with barred list information: for people working in regulated activity with children. This adds checks of the DBS Children’s Barred List to the enhanced check.

2.2 When the DBS has completed its check of an applicant’s PNC record and, if appropriate, whether or not they are on the barred list, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant. The Academy Trust will receive a DBS clearance notification from the e-bulk service which is filed on the employee’s personnel file.

2.3 All staff are also required to complete the Annual Personal Declaration Form at Appendix 2, and relevant staff are required to completed the annual Staff Suitability Form at Appendix 3 to provide relevant information as to whether they are suitable to work with children. Staff and volunteers are required to complete the Annual Personal Declaration and/or Suitability Form (if relevant to their role) at the commencement of their employment with the Academy Trust and at the beginning of each school year thereafter. Additionally, staff, volunteers and Directors are required to inform the Academy Trust as soon as possible should any change in their circumstances arise.

### 3. **Application Procedure**

See Appendix 1 – Flowchart of Disclosure and Barring Service criminal record checks and barred list checks.

- 3.1 When appointing new staff, the Academy Trust will:
- verify a candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available;
  - obtain a certificate for an enhanced DBS check with a barred list information where the person will be engaging in regulated activity;
  - obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
  - check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Teacher Services - Organisations online service;
  - verify the candidate's mental and physical fitness to carry out their work responsibilities through an independent occupational health questionnaire. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.
  - verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;
  - if the person has lived or worked outside the UK, make any further checks the Federation considers appropriate;
  - verify professional qualifications, as appropriate; and
  - all short-listed candidates for posts will be required to complete the Staff Suitability Declaration Form at Appendix 2 as part of the pre-employment process.
- 3.2 Where an applicant has changed his/her name by deed poll or for other reasons (eg marriage, adoption) the Academy Trust will require evidence of this change of name. The DBS application form will be completed and signed by the applicant for the position and countersigned by a registered person at the Academy Trust.
- 3.3 The Directors require all applicants new to the Academy Trust to obtain an enhanced DBS disclosure. In addition, all volunteers will be required to apply for an enhanced DBS check as they will be undertaking unsupervised activities.
- 3.4 QUEST will undertake a barred list check and an enhanced DBS check for all Trustees/Directors and LAC representatives. In addition, any new chair of Trustees must complete an 'Identity Verification Form' in conjunction with the Disclosure & Barring Service application form. Once the form has been completed, identity verification will take place. Guidance on how to do this is included on the form available from [www.wigan.gov.uk](http://www.wigan.gov.uk) or in the resources area of GovernorHub. All checks will be recorded on the Trust's Single Central Record.
- 3.5 All members and prospective members of the Trust Board or Local Advisory Committee will be subject to a Section 128 direction check, undertaken via the Teachers Services webpage, and this will be recorded on the Trust's Single Central Record.
- 3.6 Visiting Professionals and Speakers:**
- The Trust ensures that individuals such as psychologists, Wigan Council employees and other public sector staff will have been checked by their employing organisation (i.e. LA, Primary Care Trust or NHS). The Trust will ask for a copy of individual's DBS and/or ID badge. The Trust will also ask for confirmation of employment from their employing organisation and request that the individual brings the following proof of ID upon arrival:
- ID badge with Photo evidence
  - Passport
  - Driving Licence
  - Utility Bill/Bank statement which is no less than three months' old

- Any evidence of a change of name
- A phone check is also made with key contact as an additional measure.

However, if the individual is self-employed, the same checks will apply as those for employed staff.

### **3.7 Volunteers:**

Volunteers will be required to complete a Trust DBS application and will be subject to the following checks, in line with current guidance:

- ID
- Enhanced DBS Certificate (including barred list check where appropriate)
- Overseas checks (where appropriate)
- Informal Interview/Meeting

If a volunteer does not fall into the definition of 'regular', the Trust will complete a risk assessment based on the circumstances and decide which additional, discretionary checks are required. The Trust regards regular as, once a week, or more often or on 4 or more days in a 30-day period

No vetting checks will be carried out for those who are one-off volunteers for Trust events or trips, these are treated as visitors. Visitors are under no circumstance left unsupervised.

### **3.8 Contractors and Visitors:**

Any contractors or visitors from other organisations are required to provide a DBS to be allowed in the Trust unaccompanied. If a DBS is not provided the individual will be supervised at all times. The Trust will ensure that their contract with any company, which provides staff who will have access to areas where unsupervised contact with children is possible, provides for the required checks on staff to be completed by the company itself. Please refer to the Contractor and Visitor Policy.

### **3.9 Vetting Check Exemptions:**

The Trust will not conduct vetting checks on the following, all these will be treated as visitors and will be supervised at all times during their visit.

Those who have only brief contact with children in the presence of a teacher i.e. Students aged under 16 on work experience or similar, those on site when pupils are not present, visitors carrying out repairs or servicing equipment.

The Trust does not re-check staff returning from maternity leave or similar because they are still an employee of the Trust. Staff who leave the Trust and are reemployed at a further date will be required to complete a new DBS check. All timesheet / ADHOC staff who have had a 3 month break in service or more will be rechecked prior to returning.

### **3.10 The Single Central Register of Appointments:**

In accordance with current legislation, the Trust and its schools keeps a Single Central Register of Appointments, indicating whether or not the following checks have been completed on all current members of staff at the Trust, the Directors, Local Advisory Members, and all individuals who work in regular contact with children including volunteers, supply staff, peripatetic staff, and those employed as third parties:

- Identity checks
- Qualification checks for any qualifications legally required for the position
- Enhanced Disclosure (or DBS Status Check)
- Barred List check (date of DBS check unless a separate earlier barred list check was undertaken)
- Right to work in the UK

- Overseas checks, where applicable
- Prohibition from Teaching Check (where appropriate)
- Prohibition from management check (where appropriate)
- References – employees only

#### **4. Consideration of Disclosure Information by QUEST**

4.1 On receipt of Disclosure from the DBS, the Academy Trust shall consider the following:

- Whether or not the conviction or other information disclosed is relevant to the position in question.
- The seriousness of the offence or other matter revealed.
- The length of time since the offence or other matter occurred.
- Whether the applicant has a pattern of offending behaviour or other relevant matters.
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matter.
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

4.2 The applicant may be interviewed by a senior member of Academy Trust staff as part of its consideration of disclosure. In conclusion of consideration of these elements the Academy trust shall make a decision about the suitability of the applicant for employment or deployment as a volunteer within the Academy Trust. Decisions will be notified to the applicant in writing. Ultimately, it is the Academy Trust's Decision if they deem that employing a person, or deploying a volunteer, would bring the Trust into disrepute or jeopardise the Trust's reputation.

#### **5. Criminal Records Bureau Code of Practice**

5.1 The Academy Trust agrees to comply with the provisions of the DBS Code of Practice.

#### **6. Security of Disclosure Information**

6.1 Given the confidential nature of the disclosure information, the Academy Trust will ensure that it is stored securely. Documents will be locked away, with access restricted to senior members of staff who are the authorised signatories, with the DBS and their administrative support staff. Once a recruitment decision has been made, the Academy Trust will not retain the Disclosure information for any longer than necessary, which shall normally be less than 6 months. All disclosure information will be destroyed by secure methods (such as shredding or burning).

#### **7. Risk Assessment**

7.1 Staff and volunteers will be required to renew their DBS disclosure every 5 years on a rolling programme.

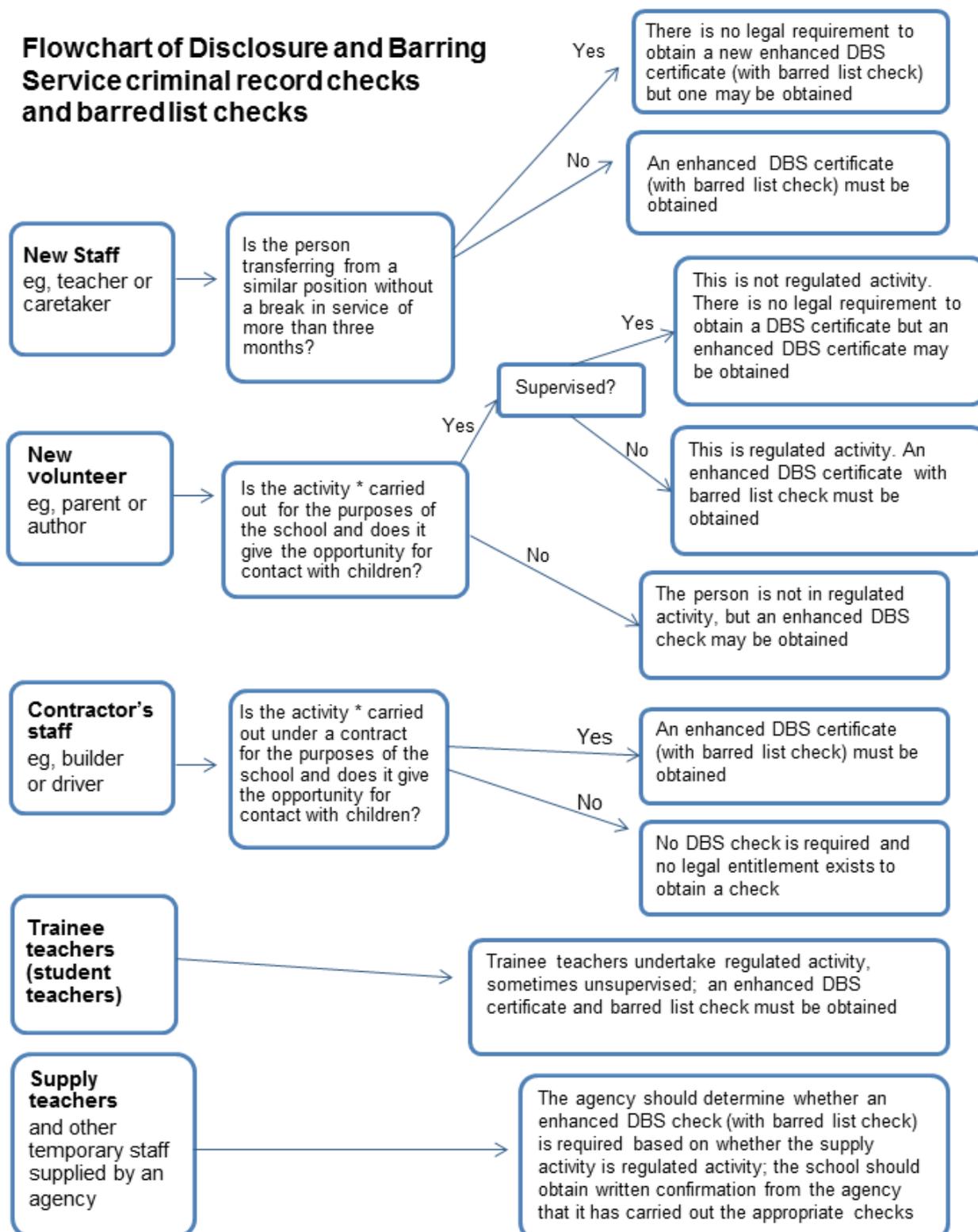
7.2 All staff are required to complete the Annual Personal Declaration Form at Appendix 2

7.3 Relevant staff are required to completed the Staff Suitability Form at Appendix 3.

This policy was presented to and approved by Directors during the Autumn Term 2021.

Signed: Chair of Directors

### Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



\* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'



CONFIDENTIAL

## EMPLOYEE DECLARATION FORM

### Annual Personal Declaration

The position in which you are employed involves contact with children and is exempt from the Rehabilitation of Offenders Act 1974 and all subsequent amendments (England and Wales). For these positions you are not entitled to withhold information about police cautions, bind-overs, or any criminal convictions including any that would otherwise be considered 'spent' under the Act.

Have you ever been convicted of any offence or bound-over, given a caution or had any involvement with the police? Yes/No

**If yes, please give details on a separate sheet and attach it to this form in a sealed envelope marked 'Confidential Disclosure'.**

Have you ever had any involvement with children's services? Yes/No

**If yes, please give details on a separate sheet and attach it to this form in a sealed envelope marked 'Confidential Disclosure'.**

I confirm that I am eligible to work in the UK

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



## Staff Suitability Declaration

This form is to be completed by new staff and volunteers who are covered by the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 before commencement of employment and on an annual basis at the commencement of the autumn term.

Name of employee/volunteer: .....

Job title: .....

Name of Principal: .....

Please answer the questions and sign the declaration below to certify that you have, to the best of your knowledge, provided accurate and up to date information in respect of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, which relate to working with children from birth to children under the age of eight. Provision of any false information will be treated seriously, in line with disciplinary procedures, and could lead to dismissal.

Please read the DfE Disqualification under the Childcare Act 2006 Statutory guidance for local authorities, maintained schools, independent schools, academies and free schools which accompanies this declaration form. **If there are any aspects of the declaration which you are unsure about, or if you have any questions or need assistance, please let your Principal, or the recruiting manager if you are a job applicant, know immediately.**

**Please circle yes or no against each bullet point below:**

<b>Questions relating to you (you are exempt from the Rehabilitation of Offenders Act and must disclose spent cautions and convictions relating to those listed below):</b>	
Are you <i>disqualified from caring for children</i> ? For example:	
<ul style="list-style-type: none"> <li>• Have you been cautioned (on or after 6 April 2007) or convicted (at any time) of any offences against a child?</li> </ul>	YES/NO
<ul style="list-style-type: none"> <li>• Have you been cautioned (on or after 6 April 2007) or convicted (at any time) of any violent or sexual offences against an adult?</li> </ul>	YES/NO
<ul style="list-style-type: none"> <li>• Have you been barred from working with children by the Disclosure and Barring Service (DBS)?</li> </ul>	YES/NO
<ul style="list-style-type: none"> <li>• Have you been subject to any order relating to the care of children?</li> </ul>	YES/NO
<ul style="list-style-type: none"> <li>• Have you been refused registration or had registration cancelled in relation to childcare or a children's home or have you been disqualified from private fostering?</li> </ul>	YES/NO
<ul style="list-style-type: none"> <li>• Have you been found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom ?</li> </ul>	YES/NO
<ul style="list-style-type: none"> <li>• Have you been found not guilty of a relevant offence by reason of insanity or disability?</li> </ul>	YES/NO

If you have answered YES to any of the questions above, please provide further information below:

.....  
.....  
.....  
.....

**What the information you have provided will be used for:**

- The information will be used solely for the purpose of complying with the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 before commencement of employment and on an annual basis as a minimum and obligations under the Childcare Act 2006 in schools.
- This will be held confidentially on the personal file of the employee who has completed this form and only shared with Ofsted if a Waiver application is required.
- Any information provided which is not relevant to the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, before commencement of employment and on an annual basis as a minimum, and to obligations under the Childcare Act 2006 in schools or which contains more detail than necessary for the purpose of complying with the Regulations will be destroyed in a confidential manner.

I confirm that the information that I have provided on this form is true and accurate, to the best of my knowledge.

I understand my responsibility to safeguard children and am aware that I must notify the Principal of anything that may affect my suitability to work with children.

I will ensure I notify the Principal immediately of any changes to my situation.

I give permission for you to contact any previous settings, local authority staff, the police, the DBS, or any medical professionals, to share information about my suitability to care for children.

I have read and understand the DfE Disqualification under the Childcare Act 2006 Statutory guidance for local authorities, maintained schools, independent schools, academies and free schools.

Signed..... Date.....

(Name in block capitals).....

Principal (signature)..... Date.....

(Name in block capitals).....

*Principal – please record follow-on action taken, where relevant*

.....  
.....  
.....  
.....

Signed..... Principal

Date action taken.....

**Note to Office: Please destroy previously completed declaration and replace with the current declaration. Any uncertainty around disqualification should be queried with Ofsted.**

# Childcare Disqualification Requirements (August 2018)

## Guidance for Schools and Employees

**This Guidance on Childcare Disqualification Requirements has been developed for all Wigan Schools and Academies that purchase the HR Services of Wigan Council under a Service Level Agreement.**

### **Introduction**

1. In July 2018 the Department for Education (DfE) published draft “Disqualification under the Childcare Act 2006 Statutory guidance to for local authorities, maintained schools, academies and free schools”, which becomes statutory guidance with effect from 31 August 2018. This replaces the former guidance that was issued by the DfE in June 2016.
2. This guidance to schools has therefore also been updated and it **replaces the guidance issued to schools in May 2015.**
3. The key difference in the new 2018 guidance is that the ‘disqualification by association’ has been removed as a reason why an employee may not be permitted to work in childcare (other than where the childcare is provided in a domestic setting). In the context of schools, this means that, from 31 August 2018, an individual cannot be disqualified from working in childcare because of an offence committed by someone who lives or works in their household – known as ‘disqualification by association’. The staff suitability declaration form, included at the end of this guidance, has been amended to reflect this change.
4. Until 31 August 2018 the current guidance should be followed, dated May 2015 and available on the Employment Handbook for Schools. From 31 August onwards this updated guidance and form, dated July 2018, should be used, which is also available on the Employment Handbook for Schools.
5. This guidance for schools is essentially a summary of the key points of the DfE guidance issued in July 2018; schools should refer to the detailed DfE guidance, available via the link below, for more information.

### **DfE advice**

6. The link to the DfE guidance is as follows:-

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

7. The arrangements set out in the guidance are **additional to** the arrangements in place to safeguard and promote the welfare of all children set out in *Keeping Children safe in Education* (KCSIE), the *Early Years Foundation Stage* (EYFS) and in *Working Together to Safeguard Children*. **Schools must therefore continue to exercise their safeguarding duties in respect of all staff, and**

**in this connection, may seek advice and support from LADO and from their HR provider in relation to any matter that may represent a safeguarding risk.**

**Which staff are covered by the regulations?**

8. The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 ("the 2018 Regulations) indicate that the following categories of staff in nursery, primary or secondary school settings are covered:
  - early years provision - staff who provide any care for a child up to and including reception age (i.e. from birth up to reception age). This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range;
  - later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision;
  - staff who are directly concerned with the management of such early or later years provision;
  - volunteers and casual workers who are directly concerned with the management of childcare provision, or who work on a regular basis, whether supervised or not, in relevant childcare.
9. School governors are **not** covered by the regulations unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision.
10. Most staff who are only occasionally deployed and are not regularly required to work in relevant childcare **will not automatically come within the scope of the legislation**. Schools should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from the Local Authority Designated Officer (LADO), safeguarding lead officer or adviser and HR provider when appropriate. A record of any risk assessment should be retained on the employee's personnel file and a copy provided to the individual concerned. Such assessments would be appropriate, for example, in secondary schools where staff are involved in liaising with primary schools and may have contact with pupils up to age eight. In general, employees such as caretakers, cleaners,

drivers, transport escorts, catering and office staff would not normally be covered by the legislation,

11. In relation to staff employed by childcare providers (i.e. not employed by the school or local authority) who hire or rent school facilities or premises, schools should ensure that such providers have appropriate policies and procedures in place in regard to safeguarding children, including under the 2018 Regulations.

12. Who is disqualified?

The criteria for disqualification under the 2006 Act and 2018 Regulations include those set out in the list below:

- a. inclusion on the Disclosure and Barring Service (DBS) Children's Barred List,
- b. being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation);
- c. certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations;
- d. refusal or cancellation of registration relating to childcare (\*4), or children's homes, or being prohibited from private fostering (\*5), as specified in Schedule 1 of the 2009 Regulations;
- e. living in the same household where another person who is disqualified lives or is employed (disqualification 'by association') as specified in regulation 9 of the 2018 Regulations (**note that regulation 9 only applies where childcare is provided in domestic settings, or under a domestic premises registration**);
- f. being found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the United Kingdom.

<sup>1(\*4)</sup>Except if the refusal or cancellation of registration is in respect of registration with a child minder agency or the sole reason for refusal or cancellation is failure to pay a prescribed fee under the 2006 Act (Regulation 4(1) of the 2018 Regulations).

<sup>(\*5)</sup>Pursuant to legislation references in paragraph 17 of Schedule 1 to the 2018 Regulations.

The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences which will lead to disqualification are set out in the 2018 Regulations.

13. Full details of what constitutes "disqualification" are in paragraphs 6 – 8 and Tables A and B of the DfE Guidance (July 2018), which is available via the link in paragraph 6 above. Any queries should be referred to Ofsted.

### **Staff Suitability Declaration Form – current staff**

14. Although the Statutory Guidance states that it is not necessary for schools to ask staff to complete a self-declaration form to obtain information about whether a staff member is disqualified it states that schools **must** keep a record of those staff who are employed to work in or manage relevant childcare and should record the date on which disqualification checks were completed. For this reason it is advised that schools use the staff suitability declaration form provided with this Childcare Disqualification Requirements Guidance for Schools (July 2018)
15. To comply with the DfE Statutory Guidance, schools should inform all relevant staff (as defined in paragraph 8 above) of the disqualification regulations. Wigan Council advise that relevant staff complete the attached 'staff suitability declaration form', to provide information about themselves, in accordance with the relevant legislation, which relates to working with children.
16. The **vast majority** of roles in schools and relevant childcare settings are exempt from the Rehabilitation of Offenders Act (ROA) and as a result, individuals are normally required to disclose all their unprotected convictions and cautions, including those that are spent.
17. By signing the form, staff are declaring their own situation at that particular point in time. **Staff will be required to sign a declaration at the beginning of each school year**, and will also be required to inform the school as soon as possible should any change in their circumstances arise. As each new form is signed each September, the previous form on file will be confidentially destroyed.
18. Schools should make available the DfE Statutory Guidance, which details the disqualification orders, offences etc, and which is available via the link in paragraph 6 above, and make these available for staff for reference. This is not a comprehensive list and therefore any potential disqualification should be explored with Ofsted.
19. It is recognised that in some cases the completion of the forms could be a very sensitive matter for employees. Schools are encouraged to provide support to employees as necessary; employees can also get support from their Trade Union and from the Employee Assistance Programme or the Education Support Partnership. Details are at the end of this document.

### **Storage and use of information**

20. Declaration forms must be treated in the strictest confidence, and must be retained on personal files in accordance with the data protection provisions. Schools must be mindful of their obligations for handling personal data under the Data Protection Act 2018 (DPA), General Data Protection Regulation (GDPR), the Rehabilitation of Offenders Act 1974 (ROA) and the Human Rights Act 1998 and should act accordingly. Where the Council provides HR support to schools, and in this connection may therefore hold personal information about staff in schools, the Council holds that information in

accordance with the GDPR. The school also holds personal staff data in line with the GDPR, as set out in the Data Privacy Primary Notice and the Recruitment and Employment Privacy Notice. Advice on handling data is provided in the DfE's Data Protection Toolkit for Schools, available here: <https://www.gov.uk/government/publications/data-protection-toolkit-for-schools>

21. The Headteacher is responsible for considering the declaration forms, and, as required, taking appropriate action; in respect of the Headteacher's declaration form, this should be considered, and acted upon if necessary, by the Chair of Governors.
22. Schools may choose to keep information on the declaration form as part of the single central record, or maintain a record separately. Where personal information that is relevant to disqualification is filed it should be kept on the personal file. Substantive details of criminal records checks should not be retained and information that is provided to schools that is not relevant should be destroyed.
23. Schools must not ask staff or third parties to make requests for their criminal records in connection with employment as, with effect from 10 March 2015, this amounts to an enforced subject access request which is an offence under section 184 of the 2018 DPA and may result in prosecution against an organisation making such a request.
24. Schools are advised to refer to the details in paragraphs 25 – 33 of the DfE Guidance, available via the link in paragraph 6 above, for further guidance on storage and use of information.

#### **Process to follow if an employee appears to be disqualified**

25. If a Headteacher becomes aware that a staff member or volunteer in their school is or may be disqualified from working with children, the Headteacher should explain the implications of disqualification to the individual, including whether they can apply to Ofsted for a waiver of disqualification (for example, Ofsted cannot grant a waiver to an individual who is on the Children's Barred List) and make clear what information the individual will need to share with Ofsted and why. (The section headed 'Application for an Ofsted waiver from disqualification' in the DfE Guidance (paragraphs 38 – 44) may assist in this regard). When communicating these matters to a staff member schools should take advice from HR, LADO and safeguarding lead officer or adviser.
26. A school must not continue to employ an individual whose convictions, cautions, reprimands and personal circumstances disqualify them from working with children in connection with early or later years childcare provision, nor should a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted which covers the role that they wish to undertake.

27. Whilst awaiting a waiver decision where these circumstances arise, consideration should be given as to whether it is appropriate to make alternative working arrangements so that the employee is not working with the relevant age range, either by temporarily redeploying them elsewhere in school or by adjusting appropriate aspects of their role. Such adjustments may not be feasible, and so it may be necessary to consider granting leave with pay, or as a last resort, suspension with pay. Suspension from work would not be a punitive step, and would be taken to ensure that the legislation and DfE guidance are being observed. Schools may wish to contact their HR provider for advice should such situations arise.
28. When making decisions about the redeployment of staff schools should take into account the risk of harm to children concerned and their obligations under the 2006 Act, the EYFS, KCSIE guidance and any other relevant safeguarding guidance.
29. At this point, if the school has not already contacted LADO, they should inform LADO by completing the LADO referral form (available from <http://www.wigan.gov.uk/WSCB/Professionals/LADO-notification-form.aspx> ) in full ensuring that they detail:
  - the individual's name
  - the individual's date of birth
  - name of setting where the individual works
  - the individual's home address
  - the name and contact details of the person referring the matter to the LADO
  - a brief outline of the details (including child's details if applicable)
30. Alternatively the school may ring the LADO Team on 01942 486034 or email them on: [lado@wigan.gcsx.gov.uk](mailto:lado@wigan.gcsx.gov.uk)
31. The disqualified person can make an application to Ofsted for a waiver, which, if granted, would enable them to continue to work in the relevant setting. The application can only be made by the individual; the school cannot make it on their behalf, although the school can support/assist the individual to make the application. Whilst the waiver is under consideration, the employee must not undertake work in the relevant setting – see paragraphs 25 - 30 above.
32. The details of how to make an application are available from Ofsted via the following link: <https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers>
33. Ofsted will consider the application and either grant or refuse a waiver. There are no defined timescales for waiver decisions. If a waiver is granted, the

school will need to see the waiver letter before they can allow the person to return to their previous role.

34. In the event that a waiver is not granted, or is partially granted, there will be implications for the continued employment of the person concerned, which may ultimately result in dismissal. If a waiver is not granted, the school should contact their HR provider immediately.

#### **Staff suitability declaration form – recruitment process**

35. All shortlisted candidates for posts covered by the regulations, as outlined in this guidance, will be required to complete a declaration form as part of the pre-employment process. For those schools who purchase services from the Local Authority, this is part of the pre-employment checks during the recruitment process for schools. Other schools will need to take appropriate steps to implement an appropriate process themselves.

#### **External agency workers in schools**

36. Schools must ensure that any external agency providing staff in relevant settings carry out these checks prior to placing them in the school by asking the agency concerned to confirm that such checks have been undertaken.

#### **Consultation with Trade Unions**

37. Local trade unions have been advised of the approach the Local Authority is recommending to schools and have been provided with a copy of this guidance.

#### **Further information and contact details**

38. If you require further advice or support around disqualification from working with children please contact the LADO Team on 01942 486034 or your school HR representative, via your nominated school link, or on 01942 404030.

You may contact the DfE with specific queries regarding disqualification requirements by emailing them at: [mailbox.disqualification@education.gov.uk](mailto:mailbox.disqualification@education.gov.uk)

The general enquires number for Ofsted is 0300 123 1231.

Confidential advice and support on a range of issues is available to employees from the Employee Assistance Programme (EAP). This is a free service and is available 24 hours a day, seven days a week. To access the service in the strictest confidence please following the link <https://educationmutual.co.uk/request-help.html>

The Education Support Partnership (formerly the Teacher Support Network <https://www.educationsupportpartnership.org.uk/>) is available for support and guidance on a wide range of issues; this service is a free service, available 24 hours a day, seven days a week, 365 days a year.

You can contact them by telephone on 08000 562 561 or text them on 07909 341 229 and they will call you back within an hour. Alternatively, you can email them at: [support@edsupport.org.uk](mailto:support@edsupport.org.uk)